

August 11, 2011

via hand delivery

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

230 803
ENTERED
Office of Proceedings

AUG 11 2011

Part of
Public Record



**RE: Docket No. NOR 42121, Total Petrochemicals USA, Inc. v. CSX
Transportation, Inc.**

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding please find the original and ten (10) copies of the Errata to July 22nd Filing ("Errata") of Total Petrochemicals USA, Inc. ("TPI").

Three (3) CDs are enclosed as well. These CDs contain three folders. The first folder is labeled "Errata" and contains a PDF of the Errata filing. The second folder is labeled "Highly Confidential" and contains the Highly Confidential versions of the electronic work papers mentioned in the Board's May 5th decision in this case. The third folder is labeled "Confidential" and contains the Confidential versions of the electronic work papers mentioned in the Board's May 5th decision. There is no Public version of the electronic work papers, because all work paper information is either Confidential or Highly Confidential.

I have enclosed one additional copy of the Errata for stamp and return. Kindly date-stamp the additional copy for return to this office by messenger.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Jeffrey O. Moreno
Counsel for Total Petrochemicals USA, Inc.

Enclosures

cc: counsel for defendant CSX Transportation, Inc.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

230803



TOTAL PETROCHEMICALS USA, INC.

Complainant,

v.

CSX TRANSPORTATION, INC.

Defendant:

Docket No. NOR 42121

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ERRATA TO JULY 22nd FILING

On July 22, 2011, TOTAL PETROCHEMICALS USA, INC. ("TPI") filed certain documents with the Surface Transportation Board ("Board" or "STB") pursuant to a Board decision dated July 15, 2011. The documents filed on July 22nd included Exhibit II-B-9 to the TPI Opening Market Dominance Evidence (filed May 5, 2011), and certain work papers. The documents were filed in Confidential and Highly Confidential Versions, but there was no Public Version.

In preparing both versions of the work papers, TPI had no means to bracket the Highly Confidential information in the documents because of numerous hand-written notations. Because TPI did not want to cause confusion by inserting its own hand notations to indicate Highly Confidential information, it converted all of the original documents into Word documents that would permit TPI to insert double brackets around the Highly Confidential information. Unfortunately, hand-written notations did not transfer in that process and this fact was not observed in the rush to submit the redacted work papers in a timely fashion. This omission first

came to TPI's attention when CSX Transportation, Inc. ("CSXT") pointed this out its Reply Evidence on Market Dominance (filed Aug. 5, 2011).¹

In order to address this omission, TPI is re-filing the work papers with this Errata, in both Confidential and Highly Confidential Versions. TPI has manually inserted the brackets indicating Highly Confidential information on the Errata work papers – these manually inserted brackets have been made by TPI counsel. The other hand-written notations are pre-existing on the work papers. The Board can verify this by comparing TPI's Errata work papers to the original work papers filed with TPI's Opening Evidence.

Respectfully submitted,



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August 11, 2011


¹ CSXT Reply at II-40. This omission was not, as theorized by CSXT, an attempt to "improve" the work papers.

CERTIFICATE OF SERVICE

I hereby certify that this 11th day of August 2011, I served a copy of the foregoing upon counsel for defendant CSXT via hand-delivery at the addresses below:

G. Paul Moates
Paul Hemmersbaugh
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005

Counsel for CSX Transportation, Inc.



Jeffrey O. Moreno